

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**SCOTT D.,**

**Plaintiff,**

**v.**

**SOCIAL SECURITY ADMINISTRATION )  
COMMISSIONER, )**

**Defendant. )**

**2:23-cv-00060-JDL**

**ORDER ACCEPTING THE REPORT AND RECOMMENDED DECISION OF  
THE MAGISTRATE JUDGE**

Scott D. seeks judicial review of the Social Security Administration Commissioner's final decision denying his application for disability benefits (ECF No. 1). Pursuant to 28 U.S.C.A. § 636(b)(3) (West 2024) and D. Me. Local R. 16.3(a)(2), United States Magistrate Judge Karen Frink Wolf held a hearing on the Plaintiff's Statement of Errors (ECF No. 7) on September 15, 2023 (ECF No. 14). In her Report and Recommended Decision (ECF No. 15), docketed on January 12, 2024, the Magistrate Judge concluded that an Administrative Law Judge failed to consider an opinion of the Plaintiff's treating physician about the Plaintiff's carrying, lifting, and reaching limitations. Based on that error, the Magistrate Judge recommended vacating the Commissioner's decision and remanding the case for further proceedings. The time within which to file objections has expired, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to de novo review and appeal.

After careful consideration of the Report and Recommended Decision and the underlying record, I concur with the Magistrate Judge's conclusions. It is therefore **ORDERED** that the Magistrate Judge's Report and Recommended Decision (ECF No. 15) is hereby **ACCEPTED**, the Commissioner's decision is **VACATED**, and the matter is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C.A. § 405(g) (West 2024) for further administrative action consistent with this opinion.

**SO ORDERED.**

**Dated this 11th day of March, 2024.**

/s/ Jon D. Levy  
**CHIEF U.S. DISTRICT JUDGE**